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## FREDERICK COUNTY PLANNING COMMISSION

### October 9th, 2019

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**TITLE:** Urbana One LLC

**FILE NUMBER:** SP03-07 AP 19690, APFO 19691,  
FRO 19348

**REQUEST:** **Site Development Plan Approval**

The Applicant is requesting Site Development Plan approval for a 7,400 sq. ft. commercial development located on a 0.45 acre Site.

**PROJECT INFORMATION:**

**ADDRESS/LOCATION:** 3535 Urbana Pike, approximately 1,300 ft. west of  
Sugarloaf Parkway  
**TAX MAP/PARCEL:** Tax Map 96, Parcel 116  
**COMP. PLAN:** VC – Village Center  
**ZONING:** VC – Village Center  
**PLANNING REGION:** Urbana  
**WATER/SEWER:** W-4/S-4

**APPLICANT/REPRESENTATIVES:**

**APPLICANT:** Urbana One, LLC  
**OWNER:** - same -  
**ENGINEER:** Harris, Smariga & Associates, Inc.  
**ARCHITECT:** Archive Design Services, Inc.  
**ATTORNEY:** Not Listed

**STAFF:** Ashley M. Moore, Principal Planner

**RECOMMENDATION:** **Conditional Approval**

**Enclosures:**

Exhibit #1 - Site Development Plan Renderings  
Exhibit #2 - Street Tree and Parking/Loading Modification Requests  
Exhibit #3 - Exterior Renderings

# STAFF REPORT

## ISSUE

### Development Request

The Applicant is requesting Site Development Plan approval for a 7,400 sq. ft. commercial development located on a 0.45 acre Site. The proposed uses being reviewed are “**Professional Office**” and “**Medical Clinic**” principal uses under the heading of **Commercial Business and Personal Services** per § 1-19-5.310 of the Zoning Ordinance. The proposed uses are principal permitted uses subject to Site Development Plan approval.

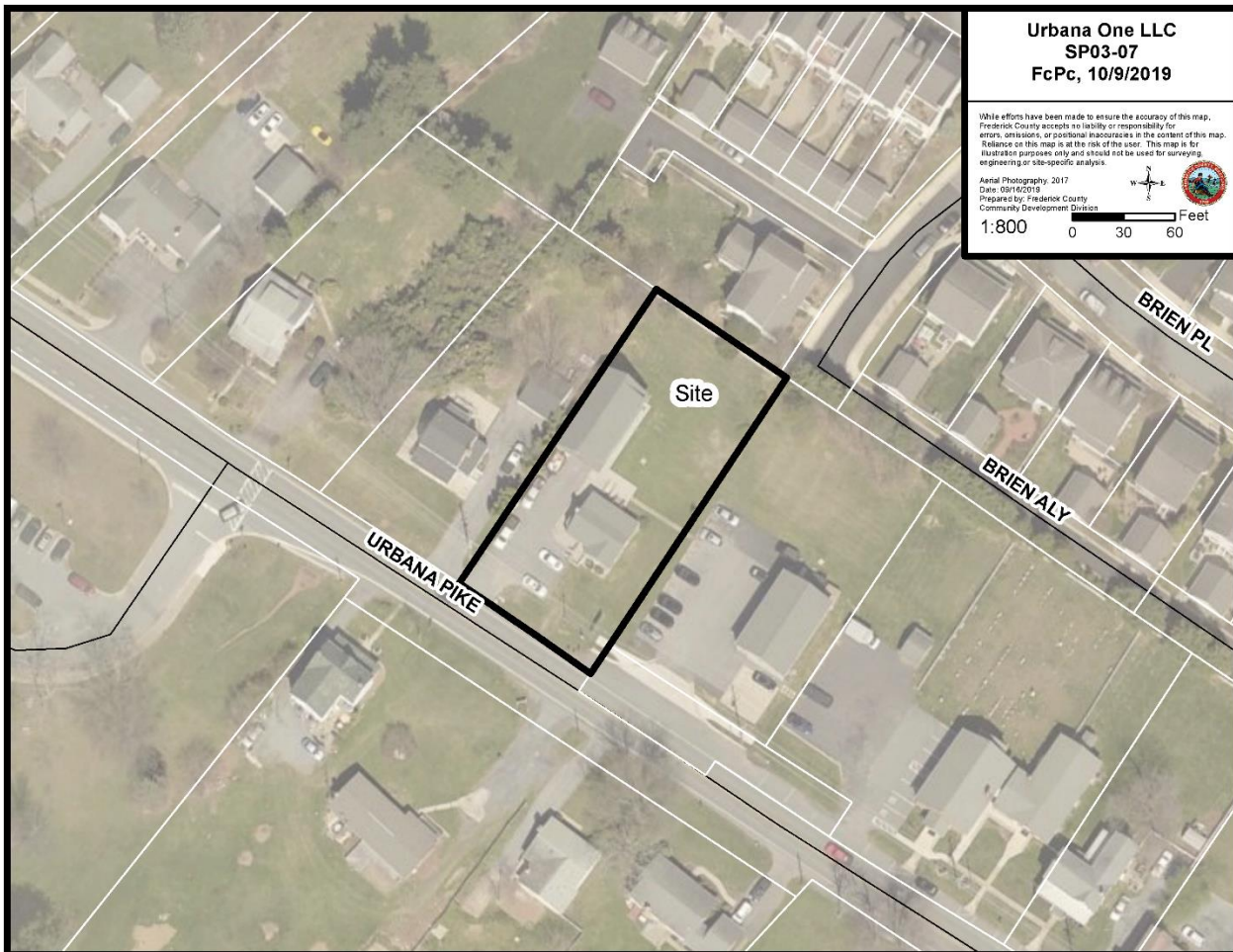
## BACKGROUND

### Development History

The structure at 3535 Urbana Pike has been utilized as a single-family dwelling since its construction in 1950. The Site received Site Development Plan approval in 2004 for the operation of a small retail shop (approximately 800 sq. ft.) in the existing single-family detached house. The garage has since been expanded and now includes approximately 1,790 square feet of space. See Graphic #1 below.

As required by Zoning Ordinance §1-19-7.500(D), Site Development Plan proposals in the VC Zoning District are required to submit plans to the Planning Commission for Concept Site Development Plan Approval. The Concept Site Development Plan was conditionally approved by the Frederick County Planning Commission at their June 12, 2019 meeting. The Site Development Plan is consistent with the approved Concept Plan.

Graphic #1: Aerial

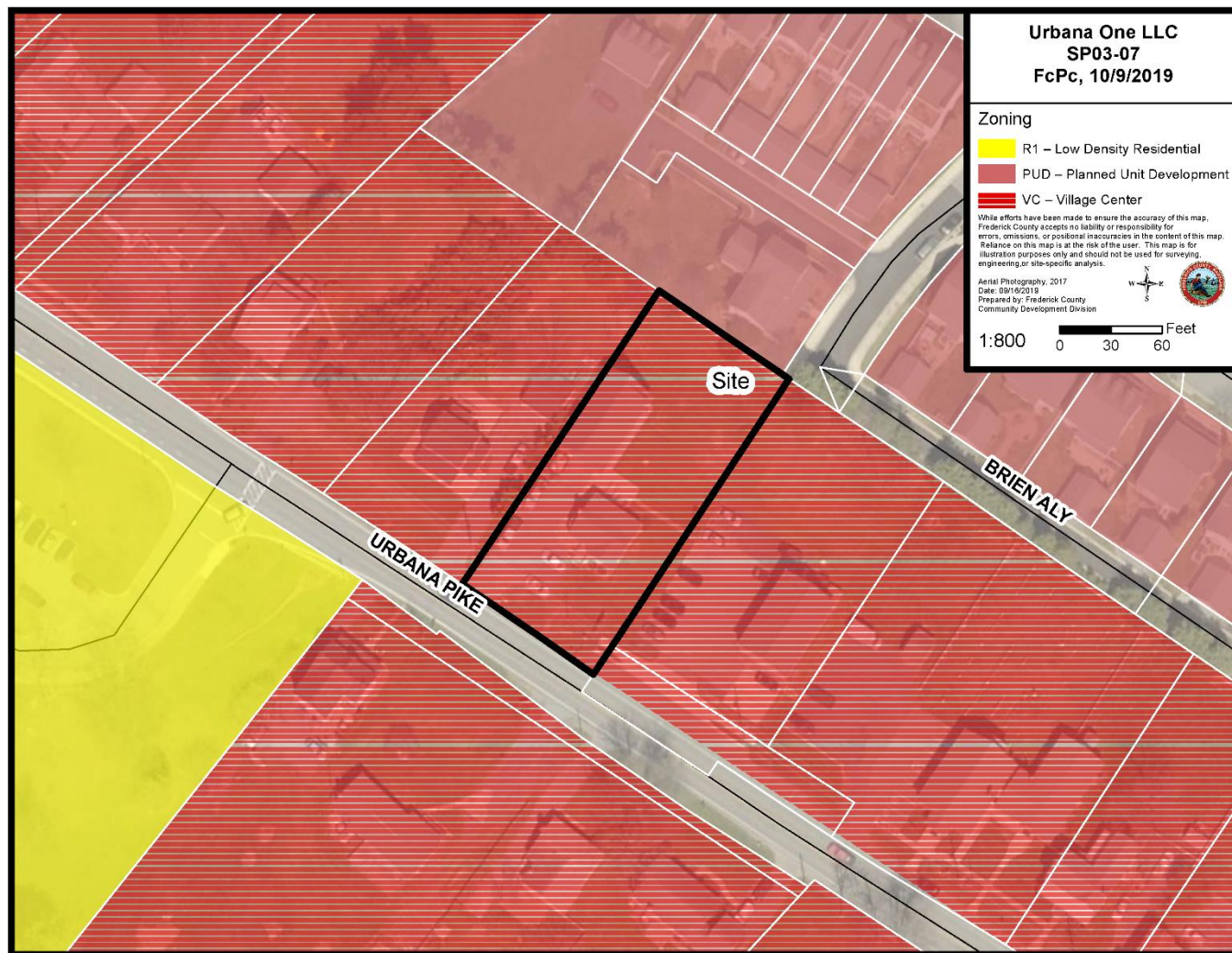


The intent of the application is to demolish the existing single family dwelling and utilize the existing two car garage structure for commercial office space. The existing garage structure, which sits at the rear of the Site, will be expanded with a new addition toward the front of the Site. The addition will connect to the existing garage structure through a breezeway and a stairwell. The result will be a two story commercial structure with a building footprint of 3,700 sq. ft. and 7,400 sq. ft. of total commercial space. The adjoining parcel to the east is identified as a future partner site in what would be a coordinated commercial development project.

#### Existing Site Characteristics

The Site is currently occupied by a single family dwelling, the garage, a paved parking area for approximately 6 vehicles, and a single driveway access onto Urbana Pike. The Site is zoned VC - Village Center with a County Comprehensive Plan land use designation of Village Center. Surrounding land uses include: The Villages of Urbana, zoned PUD, to the north of the Site, single-family residential uses along Urbana Pike (east and west sides), real estate offices, a church, the site of the new Urbana Elementary School (under construction and zoned R1), and several small retail, restaurant, and office uses, zoned VC, to the south of the Site. See Graphic #2 below.

Graphic #2: Zoning



## **ANALYSIS**

### **Detailed Analysis of Development Standards Findings and Conclusions**

#### **Design Standards §1-19-7.500(C)(1):**

*All new development within the Village Center Zoning District shall incorporate the following design standards in addition to all other applicable requirements of the Zoning Ordinance. New development will use existing development as a guide when determining site development, layout, bulk, and form of proposed structures within the Village Center District. New development should be designed and built to reflect existing neighborhood characteristics including shape, height, massing, roof shapes, and door and window placement and proportions.*

### **Findings and Conclusions**

#### **Site Development and Layout §1-19-7.500 (C)(3):**

- Staff finds that the proposed orientation of the building faces the public ways and internal, semi-public spaces of Urbana Pike and Mantz Lane, which is consistent with surrounding buildings along Urbana Pike.
- Staff finds that the proposed side and rear locations of the parking and the request for shared parking is consistent with the VC District.
- The Applicant notes that the refuse and recycling will be handled by a private hauler and will not be stored outside.

#### **Building Massing and Bulk §1-19-7.500 (C)(4):**

- Staff finds the proposed structure is generally consistent with the overall form of surrounding buildings and maintain a consistent pattern and texture in the built environment. The use of the gable roof, the dormers, the roof overhangs, and pedestrian scaled features such as covered entries and residentially-scaled doors and windows are elements similar to those found on many older homes in Urbana's VC district.
- Staff finds that the building does not include flat roofs, large undifferentiated facades or long plain wall sections.
- Staff finds that the proposed 3,700 sq. ft. footprint is similar to new and redeveloped buildings located along Urbana Pike and does not exceed the base footprint allowance of 5,000 sq. ft. for a non-residential use.

### **Detailed Analysis of Findings and Conclusions**

Site Development Plan Approval shall be granted based upon the criteria found in §1-19-3.300.4 Site Plan Review Approval Criteria of the Frederick County Zoning Ordinance.

**Site Development §1-19-3.300.4 (A):** *Existing and anticipated surrounding land uses have been adequately considered in the design of the development and negative impacts have been minimized through such means as building placement or scale, landscaping, or screening, and an evaluation of lighting. Anticipated surrounding uses shall be determined based upon existing zoning and land use designations.*

### **Findings/Conclusions**

1. **Dimensional Requirements/Bulk Standards §1-19-6.100:** Dimensional standards for projects in the VC District are established during the Concept Plan review and approval. Using the setback and height averaging criteria described in the VC District, the following dimensional requirements were determined:

Front Yard: 17 ft.

Side Yard: 6 ft.

Rear Yard: 54 ft.

The Applicant proposed a building height of 26 ft. as measured by ordinance requirements. The gable will be approximately 28-30 ft. in height and no more than 2 stories. The dimensional standards remain the same as the approved Concept Site Development Plan approved by the Planning Commission on June 12, 2019.

2. **Signage §1-19-6.320:** The Applicant is proposing building mounted signage but details have not been provided. The total amount of building frontage facing a public street is  $(10)(\sqrt{F})$ , where  $F = 113$  feet along Urbana Pike. Therefore, the total allowable square footage signage is  $(10)(\sqrt{113})$ , or 106 sq. ft.

**Condition:** Prior to site plan approval note 10 must be amended to remove “and will be designed with future sign permitting” and sign details and location must be added to the plan.

3. **Landscaping §1-19-6.400:**

- **Street Trees §1-19-6.400(A):** The code requires 1 street tree per 35 linear feet of road frontage, therefore requiring 3 street trees ( $89 / 35 = 2.77$ ) along Urbana Pike. The Applicant is proposing 3 street trees. The street trees are proposed to be Eastern Redbud, which is not a typical street tree. The Applicant is proposing the smaller tree species due to the low-lying power lines (see Exhibit 2).

**Modification:** A landscape modification to use Eastern Redbud as a street tree.

- **Land Use Buffering and Screening §1-19-6.400(B):** There are existing trees on the western boundary of the property. Additional landscape screening is provided in the rear yard of the property. The abutting residential property has an existing fence located along the rear property line, which helps their buffering and screening from the proposed development.
  - **Parking Area Buffering and Screening §1-19-6.400(C):** Parking areas not shielded by the proposed building will be screened with shrubs and trees around the Site. The pedestrian island will provide additional parking area screening.
  - **Parking Area Landscaping §1-19-6.400(D):** The Applicant is required to provide 20% canopy over the parking area, or 1,716 sq. ft. The Applicant is proposing 1,867 sq. ft. or 22% of tree canopy over the parking area.
  - **Landscaping, Screening, or Buffering §1-19-6.400(E):** All landscape material must be maintained in a living condition. The proposed Site plan emphasizes native species and no invasive/exotic species are specified.
4. **Lighting §1-19-6.500:** There will be lighting around the Site proposed for this Site Development Plan approval. The Applicant is proposing security lighting, which is exempt from the requirements in this section of the zoning ordinance.

**Transportation and Parking §1-19-3.300.4 (B):** *The transportation system and parking areas are adequate to serve the proposed use in addition to existing uses by providing safe and efficient circulation, and design consideration that maximizes connections with surrounding land uses and*

*accommodates public transit facilities. Evaluation factors include: on-street parking impacts, off-street parking and loading design, access location and design, vehicular, bicycle, and pedestrian circulation and safety, and existing or planned transit facilities.*

## **Findings/Conclusions**

1. **Access/Circulation:** The existing driveway serving the existing house and garage will be relocated in coordination with improvements along Urbana Pike. The proposed driveway and parking areas can function independently (relying on a shared parking agreement). If the adjoining property is developed at a later date in the same manner of the Urbana One proposal, the combined properties will share two access drives, all parking areas (approximately 40 spaces), and the pedestrian connection between the PUD and Urbana Pike.
2. **Connectivity §1-19-6.220(F):** The Urbana One development is expected to be connected to a future Urbana Two development, being connected by drive aisles and pedestrian connections.
3. **Public Transit:** This Site is not directly served by Transit. However, the Site is less than ½ mile from the Urbana Park and Ride lot, which provides weekday service with the Shady Grove Metro station and North Bethesda.
4. **Vehicle Parking and Loading §1-19-6.200-through 1-19-6.220:** An office use is required to provide 1 space per 300 sq. ft. of Gross Floor Area (GFA), therefore 7,400 sq. ft. requires 25 spaces. The Applicant is proposing 13 parking spaces on their property and anticipate the use of 2 spaces on the street. The adjacent property, which will be developed in the future as Urbana Two, will provide an area for 10 additional spaces under a shared parking agreement to meet the 25-space requirement. Overall, the proposed parking has been located to the side and rear of the building, which is consistent with the VC district guidelines. A parking modification has been requested by the Applicant (see Exhibit 2).

The neighboring property (Urbana Two) currently has an approximately 3,200 sq. ft. 2-story office building, which requires 11 parking spaces. There are 18 existing parking spaces (see Graphic #1). The proposed Urbana One development will not take any required or existing spaces from the existing operation of the Urbana Two site. The 10 spaces intending to be shared will be newly constructed and will add to the spaces already existing on the Urbana Two site.

**Modification:** A parking modification to utilize the combination of off-street, shared, and on-street parking.

**Condition:** The Applicant shall provide evidence of an executed shared parking agreement prior to final signature set approval.

**Condition:** The 10 shared parking spaces proposed to be constructed on the Urbana Two site must be constructed prior to or simultaneously as the onsite parking of the proposed Urbana One development.

### Loading Spaces

An office use over 5,000 sq. ft. requires 1 large or 2 small loading spaces. The Applicant is requesting a modification to allow 1 loading space for the development (see Exhibit 2).

**Modification:** A loading modification to provide one small loading space.

5. **Pedestrian Circulation and Safety §1-19-6.220 (G):** There are pedestrian connections proposed from Mantz Lane that will lead to Urbana Pike. The connection allows for pedestrian traffic from the Villages of Urbana to Urbana Elementary School, Casabella Commons and other businesses

along Urbana Pike. Roadside sidewalks across the Urbana Pike frontage are also proposed and will provide further connection to the pedestrian network when adjacent lots develop or redevelop.

6. **Bicycle Parking §1-19-6.220 (H):** The Applicant has provided a location for bicycle parking that appears to be sufficient and in accordance with the Zoning Ordinance. An office use requires 1 bicycle rack per 40,000 sq. ft. of GFA. Based on the 7,400 sq. ft. total GFA, 1 bicycle rack is required. The Applicant is proposing 1 bicycle rack.

**Public Utilities §1-19-3.300.4 (C):** *Where the proposed development will be served by publicly owned community water and sewer, the facilities shall be adequate to serve the proposed development. Where proposed development will be served by facilities other than publicly owned community water and sewer, the facilities shall meet the requirements of and receive approval from the Maryland Department of the Environment/the Frederick County Health Department.*

### **Findings/Conclusions**

**Private Well and Septic:** The Site is currently served by an existing well and septic system which would be abandoned under this proposal in favor of a connection to the public water and sewer lines currently running through the adjacent parcel.

**Natural features §1-19-3.300.4 (D):** *Natural features of the site have been evaluated and to the greatest extent practical maintained in a natural state and incorporated into the design of the development. Evaluation factors include topography, vegetation, sensitive resources, and natural hazards.*

### **Findings/Conclusions**

1. **Topography:** The Site is relatively flat with a noted low area at its northeastern corner.
2. **Vegetation:** There is currently a line of evergreen trees and shrubs along the western property boundary.
3. **Sensitive Resources:** There are no sensitive slopes or habitats of threatened or endangered species on this Site. The property is within a wellhead protection area.
4. **Natural Hazards:** There are no floodplains, wetlands or wet soils indicated on the Site.

**Common Areas §1-19-3.300.4 (E):** *If the plan of development includes common areas and/or facilities, the Planning Commission as a condition of approval may review the ownership, use, and maintenance of such lands or property to ensure the preservation of such areas, property, and facilities for their intended purposes.*

### **Findings/Conclusions**

1. **Proposed Common Area:** There are no required public common areas associated with this development. However, the Applicant is proposing 616 sq. ft. of common plaza/green space in the front and rear of the proposed structure.
2. **Ownership:** The Site is privately owned.

### Other Applicable Regulations

**Stormwater Management – Chapter 1-15.2:** The Stormwater Management Plan and other engineering issues will be reviewed with future plans in accordance with Maryland Stormwater Management Act of 2007.

### **APFO – Chapter 1-20:**

**Road Improvements:** The project generates less than 6 trips during the peak hour of the adjacent street and is therefore exempt from contribution to existing area road escrow accounts. (§1-20-12(H)).

**Water and Sewer Improvements:** Site Water and Sewer Classification is W-4/S-4.

**Schools:** This is a non-residential use and is exempt from APFO testing.

**Forest Resource – Chapter 1-21:** The Applicant has submitted a Combined Preliminary/Final Forest Conservation Plan. The plan set outlines the forest conservation mitigation requirements for the 0.45-acre property and the additional off-Site limit of disturbance (LOD) proposed by this activity. The Site contains no existing forest. The Applicant proposes to mitigate for the 15% afforestation requirement (0.07 acres) by payment of fee-in-lieu. FRO mitigation must be provided prior to applying for grading permits or building permits, whichever is applied for first.

### Summary of Agency Comments

<b>Other Agency or Ordinance Requirements</b>	<b>Comment</b>
<b>Public Works Department</b>	Conditionally Approved
<b>Development Review Planning:</b>	Conditionally Approved
<b>Div. of Utilities and Solid Waste Mgmt. (DUSWM):</b>	Approved
<b>Health Department</b>	Conditionally Approved
<b>Office of Life Safety</b>	Approved
<b>Development Review Transportation Engineering</b>	Approved
<b>Forest Conservation (FRO)</b>	Conditionally Approved
<b>Adequate Public Facilities (APFO)</b>	Approved
<b>Street Name Review</b>	Approved

## **RECOMMENDATION**

Staff has no objection to conditional approval of the Urbana One Site Development Plan. If the Planning Commission conditionally approves the Site Development Plan, the Site plan is valid for a period of three (3) years from the date of Planning Commission approval (October 9, 2022).

Based upon the findings and conclusions as presented in the staff report the application meets or will meet all applicable zoning, APFO, and FRO requirements once the following conditions are met:

**Planning Commission approval of the following modification request from the Applicant:**

1. A landscape modification to use Eastern Redbud as a street tree.
2. A parking modification to utilize the combination of off-street, shared, and on-street parking.
3. A loading modification to provide one small loading space.

**Staff-proposed conditions of approval:**

1. The Applicant shall comply with all Staff and agency comments through the completion of the plan.
2. Prior to site plan approval note 10 must be amended to remove “and will be designed with future sign permitting” and sign details and location must be added to the plan.
3. The Applicant shall provide evidence of an executed shared parking agreement prior to final signature set approval.
4. The 10 shared parking spaces proposed to be constructed on the Urbana Two site must be constructed prior to or simultaneously as the onsite parking of the proposed Urbana One development.

## **PLANNING COMMISSION ACTION**

### **MOTION TO APPROVE**

I move that the Planning Commission **APPROVE** Site Development Plan SP-19-10, AP 19690 (APFO 19691) **with conditions and modifications** as listed in the staff report for the proposed Site plan, based on the findings and conclusions of the staff report.


**FREDERICK COUNTY GOVERNMENT**  
**DIVISION OF PLANNING AND PERMITTING**  
 Department of Development Review  
**FDPC DECISION LETTER**





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September 20, 2019

Ashley Moore  
Principal Planner  
Division of Planning and Permitting  
30 North Market Street  
Frederick, MD 21701

Re: Urbana One LLC- Street Tree Modification, Loading Modification, Parking Modification  
SP03-07 Hansen #19690  
HAS Job #7589

Dear Ashley,

As permitted by the Zoning Ordinance and on behalf of the owner of the property, we request the following modifications for the Urbana One LLC Site Plan:

**STREET TREES:**

Per Section 1-19-6.400(A)(2)(c) the Planning Commission may approve an alternate planting design for street trees. The site has an overhead powerline running along the entirety of its street frontage along Urbana Pike. In order to maximize the survivability of the tree and prevent conflicts with the overhead wires we have planted three Eastern Redbud trees to meet the required street tree plantings for our site. While the trees are not large shade trees they will still provide canopy and habitat while working within the site's physical constraints. The redbuds or other similar small trees (Shadblow, Dogwood) have typically been permitted under the powerline subject to Potomac Edison Approval. A larger tree would not be permitted by Potomac Edison and if planted would be removed due to future conflicts with the powerlines.

**LOADING SPACES:**

We are requesting a loading space modification as allowed in Section 1-19-6.210 (D) of the Frederick County Zoning Ordinance. Per the ordinance the site, based on the total proposed square footage of 7,400 square feet, is required to have 1 large or 2 small loading spaces. Large loading spaces are not needed for the office use proposed on the site. The owner does not anticipate any uses that would require two small loading spaces and deliveries can be scheduled in a manner that would only require 1 small loading space. The reduction in loading spaces and their size would reduce the amount of imperviousness onsite which is a design standard in the County's Village Center Zoning District Design Guide.

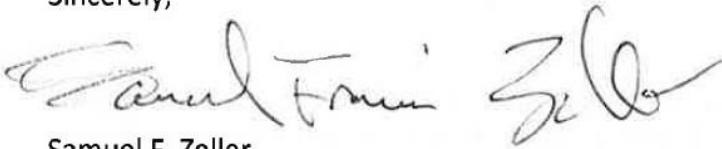
Ashley Moore  
Frederick County Planning  
Urbana One LLC  
HSA Job No. 7525  
AP#19690  
September 20, 2019  
Page 2

**PARKING SPACES:**

Per the County's 2012 Village Center Zoning District Design Guide shared parking is strongly encouraged. The Planning Commission may reduce the minimum parking requirements where the applicant can demonstrate the need for fewer parking spaces due to availability of on-street parking, joint parking, community/shared parking as otherwise provided under Section 1-19.6.240. Our site proposes both shared parking and on-street parking spaces to meet the required parking spaces. As summarized on the site plan the shared parking area meets all the requirements listed in Section 1-19.6.240 and uses the extra paving/parallel parking on Urbana Pike reduce site imperviousness and encourages the provision of public and community spaces through shared parking arrangements.

Based on these conditions, we request that the Planning Commission approve these modifications as described above.

Sincerely,

A handwritten signature in black ink, appearing to read "Samuel F. Zeller", written in a cursive style.

Samuel F. Zeller  
Vice President

Exhibit #3 – Exterior Renderings

